

1-10772  
BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF CALIFORNIA

HHN: J. King

In the Matter of the Application  
of:

ROGER MARTIN MITTS, M.D.

For Modification of Probation,

Respondent.

L-6475

DECISION

The above-entitled matter came on regularly for hearing before the Board of Medical Examiners of the State of California, with Milford A. Maron, Hearing Officer of the Office of Administrative Hearings, presiding, on April 26, 1974, in Los Angeles, California, at 9:00 a.m. Mark Levin, a Deputy Attorney General, represented the Attorney General of the State of California. The applicant, Roger Martin Mitts, M.D. appeared in person and was represented by his counsel, Edward H. Calabro, Esq. Evidence both oral and documentary was received, the hearing concluded and the application submitted for decision. After due consideration the Board of Medical Examiners of the State of California makes the following findings of fact, determination of issues and decision:

I

On March 13, 1964, applicant was issued Physician's and Surgeon's Certificate No. A10442. By a decision effective April 11, 1956, applicant's certificate was revoked by the State Board. The revocation was stayed for a period of five years upon certain terms and conditions. By a subsequent decision effective January 9, 1965, applicant's certificate was revoked by the State Board. By a decision effective March 25, 1966, applicant's certificate was restored subject to certain terms and conditions. By a decision effective February 22, 1970, applicant's certificate was again restored subject to certain terms and conditions.

II

A. On or about December 27, 1973, applicant filed with the State Board an application for modification of his probation.

B. Applicant requests modification of conditions of probation #4 and #5, which restrict his employment to "a structured and supervised institutional environment" and revocation of his Federal Narcotic permit, respectively.

C. Applicant has satisfied the State Board that he is rehabilitated to the degree that his probation ought to be modified in part, as set forth in the following order.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Board of Medical Examiners of the State of California makes the following determination of issues:

The applicant has established that, with due regard to the public safety, that conditions #4 and #5 of order of probation ought to be modified.

\* \* \* \* \*

The application for modification of probation of Roger Martin Mitts, M.D., is hereby granted, as follows:

Conditions #4 shall be modified to read:

4. Except as otherwise authorized by written consent of said Board first obtained by respondent, respondent's practice under said certificate shall be limited to a type of practice approved and satisfactory to the Board, and no change of employment shall occur without prior written Board authorization.

Condition #5 shall be modified to read:

5. Respondent's B. N. D. D. Number shall be restored and he shall voluntarily submit himself to the State Board of Medical Examiners, or any of its agents or employees, for the purpose of laboratory testing, as the State Board of Medical Examiners in its discretion determines. Any laboratory fees incurred because of such testing shall be borne by the respondent.

This decision shall become effective on the 21st  
day of June, 1974.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF CALIFORNIA

By: Gary S. Nye  
Gary S. Nye, M.D., Secretary-Treasurer

DATED: May 22, 1974

MAM:klm